



<b>AMENDMENT TRANSMITTAL LETTER</b>			<b>After Final Rejection</b>
Application No. 10/642,522	Filing Date August 15, 2003	Examiner B. E. Pellegrino	Group Art Unit 3738
Applicant(s): Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok			Docket No. SPINE 3.0-437 CIP CIP

Invention: ARTIFICIAL INTERVERTEBRAL DISC HAVING A CIRCUMFERENTIALLY BURIED WIRE MESH ENDPLATE ATTACHMENT DEVICE

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	40	- 43 =		x	
Independent Claims	4	- 4 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					0.00

- ☒ Large Entity ☐ Small Entity
- ☒ No additional fee is required for this amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 12-1095  
as described below. A duplicate copy of this sheet is enclosed.
- ☒ Credit any overpayment?
- ☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

Raymond Garguilo, Jr.  
Attorney Reg. No. 50,930

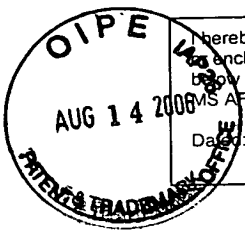
Dated: August 10, 2006

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 10, 2006

Signature: [Signature] (Raymond Garguilo, Jr.)



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**EXPEDITED PROCEDURE**

Group Art Unit: 3738

Docket No.: SPINE 3.0-437 CIP CIP CIP CIP CIP CONT V

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: :  
: Errico et al. :  
: Application No.: 10/642,522 : Group Art Unit: 3738  
: Filed: August 15, 2003 : Examiner: B. E.  
: Pellegrino  
: For: ARTIFICIAL INTERVERTEBRAL DISC :  
: HAVING A CIRCUMFERENTIALLY  
: BURIED WIRE MESHENDPLATE  
: ATTACHMENT DEVICE

**AMENDMENT UNDER 37 CFR 1.116**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated May 10, 2006,  
finally rejecting claims 1-43, please amend the above-identified  
U.S. patent application as follows:

A Request for Continued Examination is submitted  
herewith.